

WESTERN SYDNEY
UNIVERSITY



Enterprise Bargaining





Working together with our staff to develop and agree on the next staff agreements is a priority for the University.

It is important that the University understands staff views and that staff have an opportunity to contribute to the discussion on how the staff agreements can continue to provide favourable terms and conditions of employment, as well as assist the University in achieving its current and future objectives.

As the higher education sector is an increasingly competitive environment and funding is unpredictable, we need to ensure that the next staff agreements align with our core values and ensure that we remain competitive.

Our people are highly skilled, dedicated, passionate and excited to be a part of one of Australia's fastest growing economic regions. Western Sydney is an increasingly important, dynamic and culturally diverse hub of business, education, industry and innovation and we need to ensure that our workplace is modern and flexible to succeed in this environment.

We want our people to have satisfying jobs and careers for the future, so the next enterprise agreements for the University will help shape a positive, successful and sustainable workforce.

THE ENTERPRISE BARGAINING PROCESS

The enterprise bargaining process is regulated by the Fair Work Act 2009.

There are three main stages in the process:

1

Bargaining

University and employee representatives (including union representatives) will negotiate the terms and conditions of the next staff agreements. At Western Sydney University we have two enterprise agreements – one for academic staff and one for professional staff.

Each party will submit a log of claims prior to the commencement of negotiations, outlining the key priorities they would like to achieve through enterprise bargaining.

2

Staff vote

Once the agreements have been negotiated, a staff vote will be conducted. All employees covered by an agreement are eligible to vote in relation to that agreement.

At least seven days before the vote takes place, eligible employees will be informed when, where and how the vote will take place. They will also be provided with a copy of the proposed agreement and any other relevant materials. This is known as the 'access period'.

An enterprise agreement needs to be agreed upon by the majority of employees (50% plus one) who cast a valid 'yes' vote. Employees who choose not to vote are not counted, even if covered under the agreement.

If a majority is not reached following the vote, then the bargaining representatives will resume negotiations.

3

Fair Work Commission approval

Once the majority of voters support a new enterprise agreement, the agreement must be lodged with the Fair Work Commission for approval within 14 days of the vote taking place.

The Fair Work Commission will then review the agreement to ensure that it meets all of the requirements of the Fair Work Act 2009, including the 'better off overall test'. This test requires that each employee to be covered by the agreement is better off overall than under the relevant modern award.

When the Commission approves the agreement, the University will be notified and the agreement will come into effect on the date specified in the agreement.

FREQUENTLY ASKED QUESTIONS



What is an enterprise agreement?

An enterprise agreement is an agreement made between an employer and its employees that sets out terms and conditions of employment. At Western Sydney University we have two enterprise agreements – one for academic and one for professional staff.

The Academic Staff Enterprise Agreement covers academics in Level A to E positions and the Professional Staff Enterprise Agreement covers staff in HEW levels 1 to 9. There are also some provisions in the agreements for senior staff members.

What is enterprise bargaining?

Enterprise bargaining is the process by which one or more employers and employees negotiate the terms and conditions which are included in an enterprise agreement. All parties can be represented in the process, for example unions can represent employees.

When does enterprise bargaining begin?

Bargaining on a proposed enterprise agreement begins when the employer agrees to bargain, or initiates bargaining.

Who represents me in enterprise bargaining?

Employees have the right to represent themselves or nominate a bargaining representative to participate in the negotiations on their behalf.

If you are a member of a union, your union will automatically represent you in enterprise bargaining. At Western Sydney University there are two staff unions – the National Tertiary Education Union (NTEU) and the Community and Public Sector Union (CPSU).

Employees were notified of their representational rights in relation to the upcoming round of bargaining in an email dated 14 November 2016. A copy of the Notice of Employee Representational Rights that was circulated on that date can be accessed at westernsydney.edu.au/NERRnotice

How long will enterprise bargaining take?

There is no set timeframe in which bargaining must be completed, although it is usually beneficial for all parties to reach an agreement as soon as practicable.

Although our current enterprise agreements nominally expire on 31 January 2017, they will continue to operate until they are terminated or replaced by new agreements.

What is bargaining in good faith?

The Fair Work Act 2009 requires that all those who participate in the bargaining process do so in good faith.

The good faith bargaining requirements are as follows:

- attending, and participating in, meetings at reasonable times
- disclosing relevant information (other than confidential or commercially sensitive information) in a timely manner
- responding to proposals made by other bargaining representatives for the agreement in a timely manner
- giving genuine consideration to the proposals of other bargaining representatives for the agreement, and giving reasons for the bargaining representative's responses to those proposals
- refraining from capricious or unfair conduct that undermines freedom of association or collective bargaining
- recognising and bargaining with the other bargaining representatives for the agreement.

What is a log of claims?

Bargaining representatives usually begin the bargaining process by each submitting a log of claims to be discussed during enterprise bargaining. The log of claims lists the key priorities that a bargaining representative would like to achieve in the new agreement.

What happens if the bargaining representatives cannot agree?

In some circumstances the parties involved in bargaining for an enterprise agreement may reach a point where they cannot continue because they have an issue that they cannot resolve between themselves. In this situation the parties can seek assistance from the Fair Work Commission to help settle the issue and finish making the enterprise agreement.

Do I have to vote for a new enterprise agreement?

Every employee covered under their relevant agreement (academic or professional staff) should have their say about their terms and conditions of employment, and can do so by voting when a ballot is held. Employees are not obliged to vote however it is important to consider whether you want your voice to be heard.

When will I be able to vote on a new enterprise agreement?

All employees covered in an agreement will be notified seven days before voting on an agreement. Employees will be provided with a copy of the new enterprise agreement and any other materials that reference the agreement that assist with explaining the terms and conditions. To assist employees with the voting process, employees will also be notified of the time and place that the vote will take place and the voting method that will be used, at the start of the seven-day access period.

KEEPING INFORMED AND GETTING INVOLVED



How can I be involved in the enterprise bargaining process?

The University encourages all staff members to be involved in the enterprise bargaining process. It is important that the University understands staff views and that staff have an opportunity to contribute to the discussion.

- Staff members can attend a campus forum, the details of which are announced via all staff emails.
- Staff members can also provide their feedback on the agreements and enterprise bargaining via email to EBfeedback@westernsydney.edu.au
- If you are a member of a union or have appointed an enterprise bargaining representative you can also provide them with your feedback.

How can I stay up-to-date with the progress of enterprise bargaining?

The University will provide staff members with summaries of the progress of enterprise bargaining via all staff emails and updates on Yammer: yammer.com/westernsydney.edu.au

Staff members can also visit the University's enterprise bargaining webpage for further information and updates: westernsydney.edu.au/eb

What if I have further queries?

The Office of Human Resources can answer any specific enquiries you may have about the bargaining process or the next agreements. You can email your question or submit a query to EBfeedback@westernsydney.edu.au

